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April 18, 2023

Plaintiffs' letter-motion (ECF No. 251) to compel non-party Mutual Housing Association of New York Management Inc.'s compliance with a document subpoena is DENIED WITHOUT PREJUDICE to renewal on a showing of compliance with the Court's Individual Practices, which provide that discovery disputes shall be raised by requesting a discovery conference and certifying that the moving party "has first conferred in good faith with any adverse party to resolve the dispute." Ind. Prac. II.C.1. "An exchange of letters or emails alone does not satisfy this requirement." Id.

The Clerk of Court is respectfully directed to close ECF No. 251.

BY ECF

SO ORDERED 4/19/2023

SARAH L. CAVE
United States Magistrate Judge

Hon. Sarah L. Cave
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Dorce, et al. v. City of New York, et al.*, No. 1:19-cv-02216 (JLR) (SLC)

Dear Judge Cave:

Plaintiffs write concerning the ongoing failure by non-party Mutual Housing Association of New York Management Inc. ("MHANY") to comply with a subpoena duces tecum served on it on July 22, 2022 (the "Subpoena"). *See Ex. A.* Plaintiffs respectfully request that the Court compel MHANY to produce documents responsive to the Subpoena.

Background

MHANY serves as the property manager for the 373 Rockaway Property seized from Plaintiff McConnell Dorce pursuant to the TPT Program and more than 21 other New York City properties transferred pursuant to that program (as indicated on the TPT Historic Inventory Program document produced by Transferee Defendants).¹ *See Ex. B.* To obtain information regarding these properties and the TPT Program seizures, Plaintiffs served the Subpoena on MHANY, seeking a response by August 8, 2022.

After receiving no objection from MHANY to the Subpoena and no documents by the production deadline, Plaintiffs contacted MHANY on numerous occasions to discuss its non-compliance with the Subpoena. On a September 6, 2022 phone call, Ismene Speliotis, MHANY's Executive Director, confirmed that MHANY possesses at least two categories of documents responsive to the Subpoena, including: (i) communications with Neighborhood Restore regarding the

¹ "Transferee Defendants" are BSDC Kings Covenant Housing Development Fund Company, Inc. ("BSDC") and Neighborhood Restore Housing Development Fund Corp. ("Neighborhood Restore").